

Appellate Court Held That Nurse Practitioners and Registered Nurses are Different Health Professions

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On Dec. 12, the Michigan Court of Appeals released a *Per Curiam* opinion affirming the trial court's decision that a nurse practitioner is not qualified to give standard of care testimony for a registered nurse where that nurse practitioner has not devoted a majority of his or her professional time in the year immediately preceding the alleged malpractice to the active clinical practice of, or the instruction of students in, the profession of a registered nurse.

In *Cox v. Hartman*, the plaintiff argued on appeal that the trial court erred in granting summary disposition on the basis that her standard of care expert, a nurse practitioner, was not qualified to give testimony regarding the standard of care of the defendant registered nurse under MCL 600.2169(1). The appellate court held that the health profession of a nurse practitioner is different from that of a registered nurse, as a registered nurse practices pursuant to a license while a nurse practitioner practices pursuant to a specialty certification obtained through advanced training beyond that required for initial licensure.

The appellate court relied on the plain language of the statute (MCL 600.2169(1)), as well as longstanding Michigan law regarding expert qualifications, in holding that an expert who spent the majority of her time in the year preceding the alleged malpractice practicing or teaching the health profession of a nurse practitioner does not satisfy the statutory criteria to testify concerning the standard of care applicable to a registered nurse.

Cox is the first published authority in Michigan on the issue of whether a nurse practitioner and a registered nurse practice different "health professions."